

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 26TH DAY OF JUNE 2006, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

| | | |
|----------|-------------------------|--|
| PRESENT: | Steve L. Spradlin | -Chair |
| | Mary W. Biggs | -Vice Chair |
| | Gary D. Creed | -Supervisors |
| | Doug Marrs | |
| | John A. Muffo | |
| | James D. Politis | |
| | B. Clayton Goodman, III | -County Administrator |
| | L. Carol Edmonds | -Assistant County Administrator |
| | Martin M. McMahon | -County Attorney |
| | T.C. Powers | -Planning Director |
| | Bob Isner | -Economic Development Director |
| | Brian Hamilton | -Economic Development Associate Director |
| | Robert C. Parker | -Public Information Officer |
| | Vickie L. Swinney | -Secretary, Board of Supervisors |
| ABSENT: | Annette S. Perkins | -Supervisor |

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (5) Discussion Concerning a Prospective Business or Industry or The Expansion of an Existing Business or Industry Where no Previous Announcement Has Been Made of the Business= or Industry's in Locating or Expanding Its Facilities in the Community.

1. Project # 2006-013

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
 1. Bethel Elementary Property
 2. Private Easement Over a Portion of the County's Health and Human Services Building
 3. Proposed Land Sale – Kipps Farm

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
 1. Town of Christiansburg Boundary Adjustment

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
 1. Industrial Development Authority
 2. Library Board
 3. New River Valley Development Corporation
 4. Planning Commission

The vote on the foregoing motion was as follows:

| | | |
|-------------------|------------|--------------------|
| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
| Gary D. Creed | None | Annette S. Perkins |
| Mary W. Biggs | | |
| Doug Marrs | | |
| James D. Politis | | |
| John A. Muffo | | |
| Steve L. Spradlin | | |

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|-------------------|------------|--------------------|
| Mary W. Biggs | None | Annette S. Perkins |
| Doug Marrs | | |
| James D. Politis | | |
| John A. Muffo | | |
| Gary D. Creed | | |
| Steve L. Spradlin | | |

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Doug Marrs
James D. Politis
John A. Muffo
Gary D. Creed
Mary W. Biggs
Steve L. Spradlin

NAYS

None

ABSENT DURING VOTE

Annette S. Perkins

ABSENT DURING MEETING

Annette S. Perkins

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

Rezoning Request and Special Use Permit – Wilton & Vada M. Rakes

Wilton & Vada M. Rakes (Agent: Wes Rakes) request to rezone approximately 2.631 acres from Agriculture (A-1) to General Business (GB), with possible proffered conditions, and a special use permit to allow mini-warehouses. The property is located at 3262 & 3274 Peppers Ferry Road, and is identified as Tax Parcel No. 64-A-44, 45 (Acct # 015577, 006254) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Village (Belview) in the Comprehensive Plan.

The Planning Director provided a brief summary of the proposed request. The applicants are requesting to rezone 2.631 acres from A-1 to GB and a special use permit to allow mini-warehouses. The proposed rezoning is in an area predominately residential at this time but will become more commercial over time. There are small business and community uses in the surrounding area. Currently there is a small mobile home park consisting of six mobile homes. If approved, the mobile homes are to be removed. Access to the proposed business will via Pepper's Ferry Road and will require a commercial entrance from VDOT. The rezoning would not impact the school system. The applicant also proffered to limit the number of uses allowed for the site if the zoning classification was approved.

At their June 21, 2006 meeting, the Planning Commission recommended approval of the rezoning request and special use permit.

Wes Rakes, agent, was available to answer questions.

There being no further speakers, the public hearing was closed.

Special Use Permint –WTB Partnership (Agent: Anderson & Associates)

WTB Partnership (Agent: Anderson & Associates) requests a special use permit, with possible conditions, on approximately 1.33 acres in General Business (GB) to allow a convenience store with motor fuel sales. The property is located at 3730-3750 South Main Street and 715 Davis Street and is identified as Tax Parcel Nos. 67A-A-6, 7, 9 (Acct # 009666, 017338, 010219) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The Planning Director provided a brief summary of the request. The applicant is requesting a special use permit to allow a convenience store with motor fuel sales. The property is already zoned General Business, which allows the construction of a convenience store without motor fuel sales. The applicant wishes to sell fuel, therefore, the need for a special use permit.

The surrounding areas consist of general business zoning used for commercial, medical, and residential homes.

At their June 21, 2006 meeting, the Planning Commission recommended approval to the Board of Supervisors.

Brad Ball of Anderson & Associates, agent for applicant, was available to answer questions from the Board.

There being no further speakers, the public hearing was closed.

Rezoning Request –R. R. Harkrader, Jr – CONTINUED

R.R. Harkrader, Jr. (Agents: R. Fralin Development Corp. & Balzer & Associates, Inc.) request to rezone approximately 63.224 acres of a 120.397 acre tract from Agriculture (A-1) to Planned Unit Development Residential (PUD-Res), with possible proffered conditions, to allow the development of up to 193 residential dwellings. The property is located north west of the intersection of MudPike Road (Rte.666) and Harkrader Street and is identified as Tax Parcel Nos. 92-A-62,62B,63,& 76 (Acct # 008099, 008101) in the Riner Magisterial District (District D). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The Montgomery County Planning Commission tabled R.R. Harkrader's request until their July 12, 2006 meeting to allow the applicant additional time to address concerns of staff, neighbors, and Planning Commission. Therefore, this public hearing is continued to the Board of Supervisors July 24, 2006 meeting.

Ken Paxton addressed the Board with concerns relating to the proposed development. Mr. Paxton indicated he was not against the development but expressed concerns with stormwater runoff and pedestrian traffic. Mr. Paxton indicated that College Street is prone to flooding and if there is not a proper stormwater management design in place then it would only cause more flooding to the area. He expressed concerns with the inadequate stormwater retention pond at the new Christiansburg Middle School, which causes flooding onto College Street. If the same system is used in the proposed development then he foresees more hazardous situation. Mr.

Paxton also expressed concern with the lack of sidewalks for pedestrian traffic and the need for sidewalks if the proposed development is approved.

Henry Nixon expressed concerns with the proposed development. Mr. Nixon lives on College Street and knows first hand the flooding problem. The addition of more houses will create more stormwater runoff on College Street. He encouraged proper planning for stormwater management and smart planning.

There being no further speakers, the public hearing was continued to Monday, July 24, 2006.

The Board of Supervisors directed staff to investigate Mr. Paxton and Mr. Nixon's comments regarding the inadequate stormwater retention pond at the new Christiansburg Middle School.

PUBLIC ADDRESS

There being no speakers, the public address session was closed.

ADD TO THE AGENDA - ADDENDUM

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the following addendum date June 26, 2006 was added to the agenda under New Business:

Appointments to the following Boards/Commissions:

1. Industrial Development Authority
2. New River Valley Development Authority
3. Planning Commission

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|-------------------|------------|--------------------|
| John A. Muffo | None | Annette S. Perkins |
| James D. Politis | | |
| Mary W. Biggs | | |
| Doug Marrs | | |
| Gary D. Creed | | |
| Steve L. Spradlin | | |

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated June 26, 2006 was approved.

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|-------------------|------------|--------------------|
| James D. Politis | None | Annette S. Perkins |
| John A. Muffo | | |
| Gary D. Creed | | |
| Mary W. Biggs | | |
| Doug Marrs | | |
| Steve L. Spradlin | | |

**A-FY-06-114
CIRCUIT COURT
JURY REIMBURSEMENT**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

| | | |
|-----|------------------------|---------|
| 210 | Circuit Court - Juries | \$5,475 |
|-----|------------------------|---------|

The source of the funds for the foregoing appropriation is as follows:

| <u>Revenue Account</u> | | |
|------------------------|---------------------|---------|
| 419122 | Jury Reimbursements | \$5,475 |

Said resolution appropriates the state's portion of jury payments for criminal cases.

**A-FY-06-115
COMMONWEALTH'S ATTORNEY**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006 for the function and in the amount as follows:

| | | |
|-----|-------------------------|---------|
| 220 | Commonwealth's Attorney | \$1,151 |
|-----|-------------------------|---------|

The source of the funds for the foregoing appropriation is as follows:

| <u>Revenue Account</u> | | |
|------------------------|---------------|---------|
| 419104 | Confiscations | \$1,151 |

Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

A-FY-06-116
J&D RELATIONS COURT
SUPPLEMENTAL APPROPRIATION

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

| | | |
|-----|---------------------|---------|
| 230 | J&D Relations Court | \$1,350 |
|-----|---------------------|---------|

The source of the funds for the foregoing appropriation is as follows:

| | | |
|------------------------|---------------------------|---------|
| <u>Revenue Account</u> | | |
| 451203 | Undesignated Fund Balance | \$1,350 |

Said resolution appropriates additional funds to cover expenditures in the J&D Relations Court for FY 05-06.

A-FY-06-117
INSURANCE
SUPPLEMENTAL APPROPRIATION

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

| | | |
|-----|-----------|----------|
| 132 | Insurance | \$19,000 |
|-----|-----------|----------|

The sources of the funds for the foregoing appropriation are as follows:

| | | |
|------------------------|---------------------------|-----------------|
| <u>Revenue Account</u> | | |
| 419108 | Recovered Costs | \$4,000 |
| 451203 | Undesignated Fund Balance | <u>\$15,000</u> |
| | Total | \$19,000 |

Said resolution appropriates additional funds to cover expenditures in the Insurance Division.

A-FY-06-118
SHERIFF
RECOVERED COSTS

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

| | | |
|-----|----------------------|-----------------|
| 310 | Sheriff – Comp Board | \$ 5,380 |
| 321 | Sheriff – Grants | <u>\$ 4,632</u> |
| | Total | \$10,012 |

The sources of the funds for the foregoing appropriation are as follows:

| | | |
|------------------------|----------------------|-----------|
| <u>Revenue Account</u> | | |
| 419108 | Recovered Costs | \$ 1,384 |
| 441101 | Insurance Recoveries | 3,995 |
| 419104 | Confiscations | 3,117 |
| 424401 | State Grants | 1,500 |
| 419117 | Dare Program | <u>16</u> |
| | Total | \$10,012 |

Said resolution appropriates recovered costs and grant funds for use by the Sheriff's department.

A-FY-06-119
SCHOOL OPERATING FUND
SUPPLEMENTAL APPROPRIATION

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

| | | |
|--------|-----------------------|-----------|
| 09 | School Operating Fund | |
| 630000 | Transportation | \$286,088 |

The source of funds for the foregoing appropriation is as follows:

| | | |
|-------------------------|---------------|-----------|
| <u>Revenue Account:</u> | | |
| 09 | State Revenue | \$286,088 |

Said resolution appropriates additional funds for the School Operating Fund.

A-FY-06-120
PARKS AND RECREATION
TRANSFER FUNDS TO
COUNTY CAPITAL PROJECTS FUND

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized as follows:

FROM:

700 Parks & Recreation (\$46,500)

TO:

County Capital Projects \$46,500

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

700 County Ballfields \$46,500

The source of funds for the foregoing appropriation is as follows:

Transfer from General Fund (\$46,500)

Said resolution transfers funds from the General Fund to the County Capital Projects for the County ballfields.

A-FY-06-121
RINER CANNERY

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized as follows:

FROM:

Transfer to the School Operating Fund (\$3,692)

TO:

600 Riner Cannery \$3,692

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was adjusted for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

| | |
|--------------------------|-----------|
| 09 School Operating Fund | |
| Instruction | (\$3,692) |

The source of funds for the foregoing appropriation is as follows:

| | |
|----------------------------|-----------|
| <u>Revenue Account:</u> | |
| Transfer from General Fund | (\$3,692) |

Said resolution reduces the transfer to the School Operating Fund from General Fund and sets aside surplus funds to be carried forward into FY 2007 for use by the cannery.

A-FY-06-122
INDUSTRIAL DEVELOPMENT AUTHORITY
ECONOMIC DEVELOPMENT GRANT
VATELL CORPORATION

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

| | |
|--------------------------|---------|
| 810 Economic Development | \$5,000 |
|--------------------------|---------|

The source of the funds for the foregoing appropriation is as follows:

| | |
|--------------------------------------|---------|
| <u>Revenue Account</u> | |
| 02- 451203 Undesignated Fund Balance | \$5,000 |

Said resolution appropriates fund balance for an incentive payment to Vattel Corporation per the Performance Agreement with the Montgomery County Board of Supervisors and Montgomery County Industrial Development Authority.

NEW BUSINESS

R-FY-06-196
RESOLUTION AGREEING
TO PARTICIPATE IN THE NEW RIVER VALLEY
HOME CONSORTIUM AND APPROVING THE
NEW RIVER VALLEY HOME CONSORTIUM AGREEMENT

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Montgomery County 2025 Comprehensive Plan calls for the promotion of affordable, quality housing for all income levels (HSG 1.1 Affordable Housing); and

WHEREAS, Establishment of the New River Valley HOME Consortium would provide approximately \$1 million annually in federal funding directly from the Department of Housing and Urban Development (HUD) for affordable housing projects benefiting low and moderate income residents in the New River Valley; and

WHEREAS, The participation of Montgomery County in the New River Valley HOME Consortium is necessary to enable the Towns of Blacksburg and Christiansburg to also participate in the Consortium.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County that Montgomery County elects to join the New River Valley HOME Consortium.

BE IT FURTHER RESOLVED, That the County Administrator is authorized to sign the Cooperative Agreement establishing the New River Valley HOME Consortium on behalf of the County.

The vote on the foregoing resolution was as follows:

| | | |
|-------------------|------------|--------------------|
| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
| John A. Muffo | None | Annette S. Perkins |
| Gary D. Creed | | |
| Mary W. Biggs | | |
| Doug Marrs | | |
| James D. Politis | | |
| Steve L. Spraldin | | |

R-FY-06-197
RESOLUTION APPROVING THE
ISSUANCE OF BONDS BY
THE INDUSTRIAL DEVELOPMENT AUTHORITY
OF FLOYD COUNTY FOR
MOUNTAIN EMPIRE SERVICE
OF THE SOUTHWEST, INC.

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Industrial Development Authority of Floyd County, Virginia (the "Authority") has considered the application of Mountain Empire Services of the Southwest, Inc. (the "Borrower") requesting the issuance of one or more of the Authority's revenue bonds or notes in an amount not to exceed \$5,000,000 (the "Bonds") to assist in (a) refunding an obligation previously issued by the Industrial Development Authority of Montgomery County, Virginia for the benefit of the Borrower (the "Prior Bond") and (b) financing the expansion, renovation and equipping of the Borrower's facility (the "Project") located at 700 University City

Boulevard in the Town of Blacksburg in Montgomery County, Virginia (the "County"), which expansion will be two stories in height and will increase the size of the Project from approximately 36,800 square feet to approximately 51,800 square feet, the Project will be owned by the Borrower, will be leased (in whole or in part) to the New River Valley Community Services Board (the "CSB"), will be operated by the Borrower and the CSB and will be used by the Borrower and the CSB for office space and by the CSB to provide services to its clients, and the Authority has held a public hearing thereon; and

WHEREAS, It has been requested that the Board of Supervisors of the County (the "Board") approve the financing of the Project, the refunding of the Prior Bond and the issuance of the Bonds, and such approval is required for compliance with Section 147(f) of the Internal Revenue Code of 1986, as amended;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA:

1. The Board approves the financing of the Project, the refunding of the Prior Bond and the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by said Section 147(f), to permit the Authority to assist in the refunding of the Prior Bond and the financing of the Project. The Board concurs with the inducement resolution adopted by the Authority on June 15, 2006 with respect to the Bonds and the Project.
2. The approval of the issuance of the Bonds, as required by said Section 147(f), does not constitute an endorsement of the Bonds, the creditworthiness of the Borrower or the economic viability of the Project. The Bonds shall provide that neither the Commonwealth of Virginia (the "Commonwealth") nor any political subdivision thereof, including the County, Floyd County (the "Locality") and the Authority, shall be obligated to pay the principal of or interest on the Bonds or other costs incident thereto except from the revenues and receipts pledged therefor and that neither the faith or credit nor the taxing power of the Commonwealth or any political subdivision thereof, including the Locality, the County and the Authority, shall be pledged thereto.
3. This Resolution shall take effect immediately upon its adoption.

The vote on the foregoing resolution was as follows:

| | | |
|-------------------|------------|--------------------|
| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
| John A. Muffo | None | Annette S. Perkins |
| Gary D. Creed | | |
| Mary W. Biggs | | |
| Doug Marrs | | |
| James D. Politis | | |
| Steve L. Spraldin | | |

**R-FY-06-198
BUILDING C
CHANGE ORDER**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Administrator is hereby authorized to execute Change Order 1 thru Change Order 7 for Building "C" Phase I for Avis Construction, Inc. for the following items:

Change Order 1

- | | |
|---|--------------|
| ▪ Add additional site work at parking lot: | 30,374 |
| Delete sewer line; add storm water drainage structure and piping; add orange safety fence; import topsoil for new islands; add one red sunset maple and 1,936 liropes; and add curb and delete paving | |
| ▪ Add revised east side judges' entrance | 3,463 |
| ▪ Add revised Mechanical Room 238 walls | <u>1,548</u> |
| | \$35,385 |

Change Order 2

- | | |
|--|------------|
| ▪ Add cutoff valves between old bldg & renovation area | 1,448 |
| ▪ Adjust cost for size difference of intake hoods | 1,612 |
| ▪ Option #2, KD HM door frame at Elec. #237 | 1,020 |
| ▪ Fur exterior concrete wall, Room 117, stairway | 1,546 |
| ▪ Re-route duct through roof, Room 248 | 1,135 |
| ▪ Add sidelight to Door 203-A | <u>851</u> |
| | \$7,612 |

Change Order 3

- | | |
|---|--------------|
| ▪ Raise elevation of parking lot 12" +/- to cover sewer line | 5,321 |
| ▪ Add shunt trip breaker for elevator panel HCM | 970 |
| ▪ Add 'box/bulkhead' at window in Stair S01 | 1,767 |
| ▪ Modifications to casework: Add Circuit Court Clerk Counter and work stations; add counter to separate public from J&D Court area; and modify District Court window arrangement for separation from public | 26,251 |
| ▪ Add light fixture in bulkhead of Room 224/S02 that was omitted from "E" drawings | 267 |
| ▪ Add bullet resistant panels under countertops in Room 127 | <u>3,727</u> |
| | \$38,303 |

Change Order 4

- Replace gutter at loading dock. Modify downspouts on existing roof to redirect runoff 4,186
 - Delete "Heat Soak Test" on glazing at glass entrance canopies - 963
 - Furnish labor and materials to wire control portion of the boiler & boiler pump sequencing panel omitted from original design 2,420
- \$5,643

Change Order 5

- Add additional handrail and mesh at S01 3,181
 - Add GWB ceiling in elevator mechanical rooms to maintain fire rating of these spaces 1,327
 - Extend flue from boiler to the height that will avoid heat and gases from dumping on the chiller 4,763
 - Install four 2-1/2" check valves to the heating lines feeding the boiler and one for each boiler 3,554
 - Install a coiling security grill in lieu of the vertical lift gate shown on drawings & specifications. Controls shall be as outlined, required & accepted by representatives of the Sheriff's Department on 2/20/06 (20,692)
- (\$7,867)

Change Order 6

- Added a 3" conduit in order to tie in Building C communication systems with Building A 2,352
 - Reworked the existing sewer line in new parking lot to prevent future plug-ups 3,585
- \$ 5,937

Change Order 7

- Added communication cabling from Building A to Building C 8,467
 - Added video arraignment equipment to Building C 14,081
 - Added yard drain and piping to new parking lot 3,889
- \$26,437

Total: \$111,450

Said action brings the total contract to date with AVIS Construction Company, Inc. to \$4,053,650.00.

BE IT FURTHER RESOLVED, The Board of Supervisors hereby approves Change Order 1 thru Change Order 7 for \$111,450 and authorizes the County Administrator to approve additional Change Orders in an amount up to \$50,000.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|-------------------|------------|--------------------|
| Gary D. Creed | None | Annette S. Perkins |
| Doug Marrs | | |
| Mary W. Biggs | | |
| James D. Politis | | |
| John A. Muffo | | |
| Steve L. Spraldin | | |

R-FY-06-199
AMENDMENT TO
MONTGOMERY COUNTY'S
PROCUREMENT POLICIES AND PROCEDURES

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Commonwealth of Virginia has adopted legislation known as the Virginia Public Procurement Act (Chapter 43 of Title II, Section 2.2-4300 et seq.); and

WHEREAS, By resolution adopted on the 14th day of February, 1984, the Board of Supervisors of Montgomery County, Virginia, enacted procedures for the procurement of goods and services for the County, which resolution has been amended from time to time, most recently having been on June 27, 2005; and

WHEREAS, The Board of Supervisors now deems it to be in the best interest of the County to again amend the resolution of February 14, 1984 to provide for changes in small purchase procedures.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Procurement Resolution of February 14, 1984 is hereby amended as follows:

1. Single quotes will be allowed by departments for purchases under \$2,500.
2. For purchases over \$2,500 Purchase Orders are required.
3. Such small purchases shall provide for competition when ever practicable.

FURTHER, BE IT RESOLVED, All officers, offices, departments and agencies of Montgomery County will comply with this Act.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|-------------------|------------|--------------------|
| Doug Marrs | None | Annette S. Perkins |
| Mary W. Biggs | | |
| James D. Politis | | |
| John A. Muffo | | |
| Gary D. Creed | | |
| Steve L. Spraldin | | |

RESOLUTION AUTHORIZING ADDITIONAL EMPLOYEE HOLIDAY LEAVE FOR THE FOURTH OF JULY – NO ACTION TAKEN

Supervisor Biggs made a motion for approval of the proposed resolution, seconded by Supervisor Marrs for the purpose of opening the floor for the discussion of the resolution authorizing additional holiday leave for the Fourth of July.

The County Administrator reported Governor Kaine granted, Monday, July 3 for state employees in addition to the regular scheduled holiday, Tuesday, July 4, 2006 for Independence Day. The County traditionally has granted additional holidays granted by the State. The County's Personnel Policies and Procedures also state the following:

“Additional holidays may be designated by the Board of Supervisors, and the County shall observe any day so appointed as a legal holiday by the Governor of Virginia or the President of the United States.”

Following the County Administrator's report, the Board discussed the County's policy on granting additional holidays designated by the Governor. Several Board members believe that the policy should be amended to say that additional holidays may be designated by the Board of Supervisors and the County may observe any day appointed as a legal holiday by the Governor of Virginia or the President of the United States.

The Board decided that since the County's Personnel Policy already grants county employees the additional holiday, they need not take any action on the resolution before them. It was also the consensus of the Board for staff to include this issue on a future agenda when all Board members are present to discuss amending the County's Personnel Procedures and Policies

Supervisor Biggs rescinded her motion and Supervisors Marrs rescinded his second and the Board took no action on the resolution.

R-FY-06-200
FY 2006-2007
BUDGET RESOLUTION

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County, Virginia on April 10, 2006 adopted a resolution setting the real estate tax rate at 74 cents per \$100 of assessed value; and

WHEREAS, The resolution specifies the intent of the Board of Supervisors that monies projected from 2 cents of the 74 cent real estate tax rate be earmarked for future expenditures for new school construction, monies projected from 1 cent of the 74 cent real estate tax rate be earmarked for a fuel contingency account for use if needed in FY 2007, and funds from the fuel contingency account remaining at the end of FY 2007 be used for expenditures for new school construction; and

WHEREAS, It is the intent of the Board of Supervisors that monies from the "windfall" in FY 2006 resulting from 3 cents of the 74 cent real estate tax be earmarked for future expenditures for new school construction and be placed in the School Capital Projects Fund in a project account for new school construction projects to be used as dictated by future Board action through a supplemental appropriation approved by the Board of Supervisors; and

WHEREAS, It is the intent of the Board of Supervisors that the FY 2007-2008 budget continue to earmark the monies projected from 3 cents of the 74 cent real estate rate for future expenditures for new school construction subject to future Board of Supervisors approval.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Annual Budget for Fiscal Year 2006-2007 be and the same is adopted in the amount of \$135,011,040 which except in the case of the public school budget, shall be for informative and fiscal planning purposes only.

BE IT FURTHER RESOLVED, \$957,550, the monies projected from 2 cents of the 74 cent real estate rate be transferred from the General Fund, be placed in the School Capital Projects Fund in a project account for new school construction projects to be used as dictated by future Board action, and should 2 cents generate actual dollars above this amount, those monies are to be placed in the same project account through a supplemental appropriation approved by the Board of Supervisors; and

BE IT FURTHER RESOLVED, That \$478,775, the monies projected from 1 cent of the 74 cent real estate rate, be placed in a special contingencies account for fuel cost as dictated by future Board action, and should 1 cent generate actual dollars above this amount those monies above this amount are to be placed in the School Capital Projects Fund in a project account for new school construction projects through a supplemental appropriation approved by the Board of Supervisors.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|-------------------|------------|--------------------|
| James D. Politis | None | Annette S. Perkins |
| John A. Muffo | | |
| Gary D. Creed | | |
| Doug Marrs | | |
| Mary W. Biggs | | |
| Steve L. Spraldin | | |

**A-FY-07-01
BUDGET APPROPRIATION
FY 06-07**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the following appropriation for the fiscal year ending June 30, 2007 be and the same is hereby made effective July 1, 2006 for the organizations indicated on the attached listing.

BE IT FURTHER RESOLVED, The Treasurer is hereby authorized to make the necessary transfers between funds as required to keep expenditure account appropriated by the Board of Supervisors and revenue estimates approved by the Board of Supervisors in balance by Fund.

BE IT FURTHER RESOLVED, The Treasurer is hereby authorized to make the necessary wire transfer, as appropriate.

**EXPENDITURE ACCOUNTS
TO BE APPROPRIATED**

1. GENERAL FUND

| | | | |
|-----|---------------------------------------|----|-----------|
| 100 | Board of Supervisors | \$ | 228,367 |
| 110 | County Administration | | 1,072,802 |
| 120 | County Attorney | | 228,067 |
| 130 | Financial and Management Services | | 716,196 |
| 132 | Insurance | | 129,563 |
| 140 | Information Management Services | | 846,349 |
| 150 | Commissioner of Revenue | | 534,120 |
| 152 | Assessment - 100% County | | 427,829 |
| 160 | Treasurer | | 515,755 |
| 162 | Collections - 100% County | | 461,536 |
| 170 | Registrar | | 286,619 |
| 180 | Internal Services | | 210,284 |
| 200 | Commonwealth Attorney | | 597,347 |
| 210 | Circuit Court | | 148,368 |
| 220 | General District Court | | 20,366 |
| 230 | Juvenile and Domestic Relations Court | | 11,637 |

| | | |
|-----|-----------------------------------|----------------------|
| 240 | Magistrate | 5,000 |
| 250 | Circuit Court Clerk - 100% County | 543,734 |
| 310 | Sheriff-Co/State Support | 6,807,331 |
| 320 | Sheriff-County Support | 1,053,218 |
| 330 | Fire and Rescue | 826,158 |
| 400 | General Services | 4,291,155 |
| 510 | Comprehensive Services Act | 1,812,367 |
| 520 | Human Services | 372,015 |
| 530 | Public Health | 413,492 |
| 540 | Social Services | 5,540,087 |
| 700 | Parks and Recreation | 605,014 |
| 710 | Regional Library | 1,626,766 |
| 800 | Planning and Inspections | 569,542 |
| 810 | Economic Development | 353,955 |
| 900 | Revenue Refunds | 164,106 |
| 910 | Other Agencies | 987,620 |
| 950 | General Contingencies | 300,000 |
| 960 | Contingencies - Special | 729,740 |
| 990 | Adjustments for Internal Services | (91,700) |
| | TOTAL GENERAL FUND | \$ 33,344,805 |

2. LAW LIBRARY FUND

| | | |
|-----|-------------|------------------|
| 290 | Law Library | \$ 17,600 |
|-----|-------------|------------------|

3. 600 SCHOOL OPERATING FUND

| | | |
|-----|--|----------------------|
| 610 | Instruction | 66,856,369 |
| 620 | Administration, Attendance, and Health | 3,422,401 |
| 630 | Pupil Transportation | 3,903,686 |
| 640 | Operations and Maintenance | 12,119,162 |
| 650 | Other Non-Instructional Operations | 34,545 |
| | TOTAL SCHOOL OPERATING FUND | \$ 86,336,163 |

4. 651 SCHOOL CAFETERIA FUND \$ 3,585,718

5. 660 School Capital Construction Fund 957,550
TOTAL SCHOOL CAPITAL CONSTRUCTION FUND \$ 957,550

6. 920 DEBT SERVICE FUND \$ 10,769,204

GRAND TOTAL EXPENDITURES \$ 135,011,040

The source of funds for the foregoing appropriation is as follows:

| <u>ESTIMATED RESOURCES</u> | | |
|--|-----------|---------------------|
| 1. GENERAL FUND | | |
| A. REVENUE | | |
| General Property Taxes | \$ | 51,387,704 |
| Other Local Taxes | | 9,521,268 |
| Other Undesignated Revenue | | 1,275,547 |
| Resources Designated by Department | | 14,691,282 |
| Subtotal | \$ | 76,875,801 |
| B. OTHER | | |
| Use of Fund Balance | | 0 |
| Transfers to School Operating Fund: | | (32,026,203) |
| Transfers to Debt Service Fund | | (10,547,243) |
| Transfers to School Capital Construction Fund | | (957,550) |
| Subtotal | \$ | (43,530,996) |
| TOTAL GENERAL FUND RESOURCES: | \$ | 33,344,805 |
| 2. LAW LIBRARY FUND | | |
| A. REVENUE | \$ | 15,000 |
| B. USE OF FUND BALANCE | | 2,600 |
| TOTAL LAW LIBRARY FUND RESOURCES | \$ | 17,600 |
| 3. SCHOOL OPERATING FUND | | |
| A. REVENUE | \$ | 54,309,960 |
| B. TRANSFER FROM GENERAL FUND | | 32,026,203 |
| TOTAL SCHOOL OPERATING FUND | \$ | 86,336,163 |
| 4. SCHOOL CAFETERIA FUND RESOURCES | \$ | 3,585,718 |
| 5. SCHOOL CAPITAL CONSTRUCTION FUND RESOURCES | \$ | 957,550 |
| 6. DEBT SERVICE FUND | | |
| A. REVENUE | \$ | 221,961 |
| B. TRANSFER FROM GENERAL FUND | | 10,547,243 |
| TOTAL DEBT SERVICE FUND | \$ | 10,769,204 |
| GRAND TOTAL ALL RESOURCES | \$ | 135,011,040 |

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|-------------------|------------|--------------------|
| John A. Muffo | None | Annette S. Perkins |
| Gary D. Creed | | |
| Doug Marrs | | |
| Mary W. Biggs | | |
| James D. Politis | | |
| Steve L. Spradlin | | |

R-FY-06-201
APPOINTMENT
INDUSTRIAL DEVELOPMENT AUTHORITY

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Thomas I. Roberts** to the **Industrial Development Authority** effective July 1, 2006 and expiring June 30, 2010.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|-------------------|------------|--------------------|
| Gary D. Creed | None | Annette S. Perkins |
| Doug Marrs | | |
| Mary W. Biggs | | |
| James D. Politis | | |
| John A. Muffo | | |
| Steve L. Spradlin | | |

R-FY-06-202
APPOINTMENT
NEW RIVER VALLEY
DEVELOPMENT CORPORATION

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Anthoney S. Deanes** to the **New River Valley Development Corporation** effective July 1, 2006.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|-------------------|------------|--------------------|
| Gary D. Creed | None | Annette S. Perkins |
| Doug Marrs | | |
| Mary W. Biggs | | |
| James D. Politis | | |
| John A. Muffo | | |
| Steve L. Spraldin | | |

**R-FY-06-203
APPOINTMENT
PLANNING COMMISSION
DISTRICT D**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Bryan A. Rice** to the **Montgomery County Planning Commission** effective July 1, 2006 and expiring June 30, 2010.

The vote on the foregoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|-------------------|------------|--------------------|
| Gary D. Creed | None | Annette S. Perkins |
| Doug Marrs | | |
| Mary W. Biggs | | |
| James D. Politis | | |
| John A. Muffo | | |
| Steve L. Spraldin | | |

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Speed Study Policy
2. Pilot Road (SR 615) Speed Study Request

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|-------------------|------------|--------------------|
| John A Muffo | None | Annette S. Perkins |
| Gary D. Creed | | |
| Doug Marrs | | |
| Mary W. Biggs | | |
| James D. Politis | | |
| Steve L. Spradlin | | |

Speed Study Policy/Pilot Road (SR 615) Speed Study Request

The County Administrator explained the County's process for conducting speed studies on County roads. County policy requires a petitioner to obtain a signed petition with 50% of households residing along the section of road on which the speed limit is being requested. The petition is submitted to the County Administration Office and evaluated to determine if the petition contains the required 50% of signatures. The County Administrator administratively forwards the petition to the Virginia Department of Transportation.

The issue before the Board tonight is if the county policy should be amended to allow Board members to request speed studies to be conducted without a citizen petition. Some concerns of Board members were that an individual Board member could be placed in a position whereby a minority of the residents could ask for a speed study when the majority of the residents were against the study.

Supervisor Politis asked for a resolution to be placed on the agenda requesting VDOT to conduct a speed study on High Rock Hill Road (SR 612) beginning at the intersection of Pilot Road (SR 615) and ending at the intersection of Huffville Road (SR 610) to determine the feasibility of reducing the speed limit to 45 mph. This request is asking for authorization without the petition called for in the County's policy. A petition was submitted in May 2005 requesting a speed study on High Rock Hill Road, beginning at Pilot Road and ending at the Floyd County line. The petition lacked 16 signatures to meet the requirement of 50% of residents.

In December 2005, another petition was received requesting a speed study on Pilot Road from Pilot Mountain Grocery to the Pilot Post Office. This petition also lacked the required amount of signatures; however, the petition was re-submitted in February 2006 with the required amount of signatures and forwarded to VDOT. By letter dated May 1, 2006, VDOT notified the County Administrator that a speed study has been completed and a 45 mph would be posted on Pilot Road from High Rock Hill Road to Christiansburg East Corporate Limits.

Supervisor Politis received calls from citizens questioning why the speed limit was not lowered to the Floyd County line as well. Reportedly, some of the citizens signed both petitions and it is believed that some citizens thought they were signing the same petition, thus creating confusion about the petition.

Therefore, Supervisor Politis asked that the first request be forwarded to VDOT without the required signatures. He believes that due to two separate petitions being submitted seeking a speed study on Pilot Road probably would not be against citizens' wishes.

Following Board discussion on the County's speed study policy and the request for a speed study on Pilot Road, staff was instructed to review the original petition submitted in May 2005 to determine if the petition had the required amount of signatures for a speed study to be conducted beginning at High Rock Hill Road and ending at the intersection of Huffville Road. The majority of the residents live on this section of road. If the petition does qualify under the County's policy, then the request will be forwarded to VDOT. If the petition does not have the required number of signatures then staff was instructed to add this item to the next agenda for further discussion.

OUT OF WORK SESSION

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|-------------------|------------|--------------------|
| Gary D. Creed | None | Annette S. Perkins |
| Doug Marrs | | |
| Mary W. Biggs | | |
| James D. Politis | | |
| John A Muffo | | |
| Steve L. Spradlin | | |

BOARD MEMBERS' REPORTS

Supervisor Biggs submitted information from the Library Board meeting to be forwarded to Board members. Supervisor Biggs also requested that staff obtain a copy of the School Superintendent's accomplishments for FY 06 from the School Board to be forwarded to Board members.

Supervisor Muffo reported a joint meeting was held between the County's Planning Commission and Town of Christiansburg's Planning Commission regarding the Harkrader rezoning request, which borders the Town of Christiansburg. This is a request for a large scale subdivision.

Community Services Board – Supervisor Muffo requested a resolution of recognition be placed on the next agenda to honor Lynn Chenault for his 23 years of service as Director of the NRV Community Services Board.

ADJOURNMENT

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Board adjourned to Monday, July 10, 2006 at 6:00 p.m.

The vote on the foregoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|-------------------|------------|--------------------|
| Doug Marrs | None | Annette S. Perkins |
| Mary W. Biggs | | |
| James D. Politis | | |
| John A. Muffo | | |
| Gary D. Creed | | |
| Steve L. Spradlin | | |

The Board adjourned at 8:35 p.m.

| | |
|----------------------------|---|
| APPROVED: _____ | ATTEST: _____ |
| Steve L. Spradlin Chair | B. Clayton Goodman, III County Administrator |